

6161

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to the issuance of a New York State Vietnam War Service Medal

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 247 of the military law is amended by adding a new
2 subdivision 1-c to read as follows:
3 1-C. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO PRESENT IN THE NAME
4 OF THE LEGISLATURE OF THE STATE OF NEW YORK, A MEDAL, TO BE KNOWN AS THE
5 "NEW YORK STATE VIETNAM WAR SERVICE MEDAL", BEARING A SUITABLE
6 INSCRIPTION, TO ANY PERSON: (I) WHO IS A CITIZEN OF THE STATE OF NEW
7 YORK; OR (II) WHO WAS A CITIZEN OF THE STATE OF NEW YORK WHILE SERVING
8 IN THE ARMED FORCES OF THE UNITED STATES; (III) WHO SERVED IN THE UNITED
9 STATES ARMED FORCES, DEFINED AS ARMY, AIR FORCE, NAVY, MARINE CORPS, OR
10 COAST GUARD, OR THE ORGANIZED MILITIA ON ACTIVE DUTY ABROAD IN THE VIET-
11 NAM WAR DURING THE PERIOD OF TIME FROM NOVEMBER FIRST, NINETEEN HUNDRED
12 FIFTY-FIVE THROUGH APRIL THIRTIETH, NINETEEN HUNDRED SEVENTY-FIVE; AND
13 (IV) WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUM-
14 STANCES DURING THE VIETNAM WAR. NOT MORE THAN ONE NEW YORK STATE VIETNAM
15 WAR SERVICE MEDAL SHALL BE AWARDED OR PRESENTED, UNDER THE PROVISIONS OF
16 THIS SUBDIVISION, TO ANY PERSON WHOSE ENTIRE SERVICE SUBSEQUENT TO THE
17 TIME OF THE RECEIPT OF SUCH MEDAL SHALL NOT HAVE BEEN HONORABLE. FOR
18 EACH SUCCEEDING STAR AS PROVIDED HEREIN, SUCH PERSON SHALL BE ENTITLED
19 TO WEAR, AS THE CHIEF OF STAFF OF THE STATE MAY DIRECT, A RIBBON WHOSE
20 COLOR AND DESIGN SHALL BE SELECTED BY THE DIVISION OF MILITARY AFFAIRS.
21 IN THE EVENT OF THE DEATH OF ANY PERSON DURING OR SUBSEQUENT TO THE
22 RECEIPT OF SUCH CERTIFICATE IT SHALL BE PRESENTED TO SUCH REPRESENTATIVE
23 OF THE DECEASED AS MAY BE DESIGNATED. THE ADJUTANT GENERAL, IN CONSULTA-
24 TION WITH THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, SHALL MAKE
25 SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE PROPER
26 PRESENTATION AND DISTRIBUTION OF SUCH MEDALS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. Subdivision 4 of section 247 of the military law, as amended by
2 chapter 477 of the laws of 2013, is amended to read as follows:

3 4. This section shall not be construed to require that a recipient of
4 the conspicuous service cross, the conspicuous service star [or], the
5 Cold War Certificate OR THE NEW YORK STATE VIETNAM WAR SERVICE MEDAL has
6 been a resident of the state of New York at the time of his or her entry
7 into the United States army, air force, navy, marine corps, or nurses
8 corps.

9 S 3. Subdivision 1-a of section 247 of the military law, as added by
10 chapter 184 of the laws of 1998, is amended to read as follows:

11 1-a. The governor is hereby authorized to present in the name of the
12 legislature of the state of New York, a military decoration, to be known
13 as the "conspicuous service star", bearing a suitable inscription,
14 device, and ribbon, all of which shall be of suitable design, to any
15 person (i) who is a citizen of the state of New York or (ii) who was a
16 citizen of the state of New York while serving in the armed forces of
17 the United States, and who, while serving in the United States Armed
18 Forces, defined as army, air force, navy, marine corps, or coast guard,
19 has, or shall have received a United States unit level decoration denot-
20 ing combat participation and foreign unit awards, issued from a company,
21 regimental, brigade, or division commander, or equivalent naval unit, or
22 issued by the President of the United States, the Congress of the United
23 States, the United States Defense Department or the joint chiefs of
24 staff, such as, but not limited to, a presidential unit citation or a
25 joint meritorious unit award. Not more than one conspicuous service star
26 shall be issued to any one person; nor shall any citation be awarded or
27 presented, under the provisions of this subdivision, to any person whose
28 entire service subsequent to the time of the receipt of such star shall
29 not have been honorable. For each succeeding star as provided herein,
30 such person shall be entitled to wear, as the chief of staff of the
31 state may direct, a ribbon whose color and design shall be selected by
32 the division of [military] MILITARY affairs. In the event of the death of
33 any person during or subsequent to the receipt of such citation the
34 conspicuous service star shall be presented to such representative of
35 the deceased as may be designated. The chief of staff shall make such
36 rules and regulations as may be deemed necessary for the proper presen-
37 tation and distribution of such decorations.

38 S 4. This act shall take effect on the one hundred twentieth day after
39 it shall have become a law; provided, however, that if chapter 477 of
40 the laws of 2013 shall not have taken effect on or before such date then
41 section two of this act shall take effect on the same date and in the
42 same manner as such chapter of the laws of 2013 takes effect. The divi-
43 sion of military and naval affairs is authorized to promulgate any and
44 all rules and regulations and take any other measures necessary to
45 implement the provisions of this act on its effective date on or before
46 such date.